

March 9, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 9, 2005, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation and Facilities
JENNIFER M. HOOVER, Director of Public Works
FRANKLIN P. O'BYRNE, Director of Information Systems
WILLIAM L. VAUGHN, Director of Community Development
DIANA C. STULTZ, Zoning Administrator
ROBERT A. SYMONS, Fire and Rescue Chief
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Cuevas called the meeting to order at 3:00 p.m.

County Administrator Paxton led the Pledge of Allegiance, and Chairman Cuevas gave the Invocation.

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During the course of the meeting, the Board welcomed students from Eastern Mennonite High School Government Class and Turner Ashby Government Class.

APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on February 23, 2005.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Board members asked that, since the date for the public hearing on the Southeast Bypass, March 24, 2005, falls on a religious holiday, the hearing be scheduled for another day. Mr. Komara will attempt to reschedule the hearing for another date in March.

Chairman Cuevas suggested that work crews from the County Jail be used for cleaning up refuse on public roads, with VDOT paying for their supervision. Mr. Komara agreed that the possibility could be revisited.

In response to a question from Supervisor Kyger concerning the status of the lighting for the intersection of I-81 Exit 240 for the Wal-Mart Distribution Center, Mr. Komara advised that the project would be started in about 30 days. Supervisor Kyger asked whether the east ramps coming toward the facility would have left and right turn lanes and whether the bridge would be lighted. Mr. Komara replied in the affirmative to those questions.

Supervisor Breeden asked about a flashing light for Island Ford Road and Route 340. Mr. Komara said the "Prepare to Stop Ahead" sign on Island Ford Road was moving forward.

Supervisor Breeden advised that he had received information that, in the area between the railroad and Route 340 south of Island Ford Road, mulch being stored there was blocking the view. Mr. Komara said he would look into the matter.

In response to another question from Supervisor Breeden, Mr. Komara said he would provide information concerning Route 644 by the next meeting.

Supervisor Floyd noted that a passing zone at the intersection of Routes 276 and 689 was causing a site distance problem. Mr. Komara said he would investigate.

Supervisor Floyd asked about striping for the other end of Route 689, and Mr. Komara said that would take place in the spring.

Supervisor Kyger said thought needed to be given to the intersection of Routes 33 and 910 since there would be additional traffic on Erickson Avenue and Garbers Church Road when school opened. Mr. Komara agreed that the intersection needed to be relocated.

Mr. Paxton reiterated a previous request that VDOT contact a resident on Switchboard Road who is willing to donate right-of-way for removal of a curve and to remove trees as well.

Chairman Cuevas asked that Mr. Komara keep staff advised of VDOT's projects at Mauzy.

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PRESENTATION REGARDING FY2005-06 SCHOOL BUDGET REQUEST.

The Board heard a presentation by Dr. John Kidd, School Division Superintendent, regarding the School Board's proposed Budget for FY2005-06, requesting a total of \$2,198,000. A public hearing on the entire County Budget is scheduled for April 13, 2005, at Turner Ashby High School.

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PUBLIC HEARING - ABANDONMENT OF UNDEVELOPED STREET AT END OF GAILCRIST DRIVE.

At 4:20 p.m., Chairman Cuevas declared the meeting open for a public hearing to consider abandonment of an undeveloped portion of Gailcrist Drive lying between the Merle Martin Subdivision and the Gail Crist Subdivision and more particularly described as a 140' X 30' portion of said road. A survey showing said road is recorded in the Clerk's Office in deed book 294, page 522.

Ms. Stultz gave the particulars of the request, advising that the formal request came from John N. Crist, counsel for Joseph S. and Elizabeth W. Glick. She noted that the Glicks had assumed they owned this strip of land, and their septic tank, box and a portion of their drainfield is located within that area.

Ms. Glick said she was "very much in favor of the abandonment."

At 4:22 p.m., Chairman Cuevas closed the public hearing and called the regular meeting back to order.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following order.

AN ORDER ABANDONING AN UNDEVELOPED STREET LOCATED AT THE DEADEND OF GAILCRIST DRIVE SOUTHWEST OF EVERSOLE ROAD (ROUTE 766) (TAX MAP #93A-(3)-10 AND 93A-(4)-4)

WHEREAS, application was made to the Board of Supervisors of Rockingham County, Virginia by John N. Crist, Counsel for Joseph S. & Elizabeth W. Glick, owners of affected lots, to abandon an undeveloped street located between the Merle Martin Subdivision and the Gail Crist Subdivision, a plat of which is of record in the Clerk's Office of the Circuit Court in Deed Book 294, page 522, said application having been made pursuant to Section 33.1-160 of the Code of Virginia, as amended; and

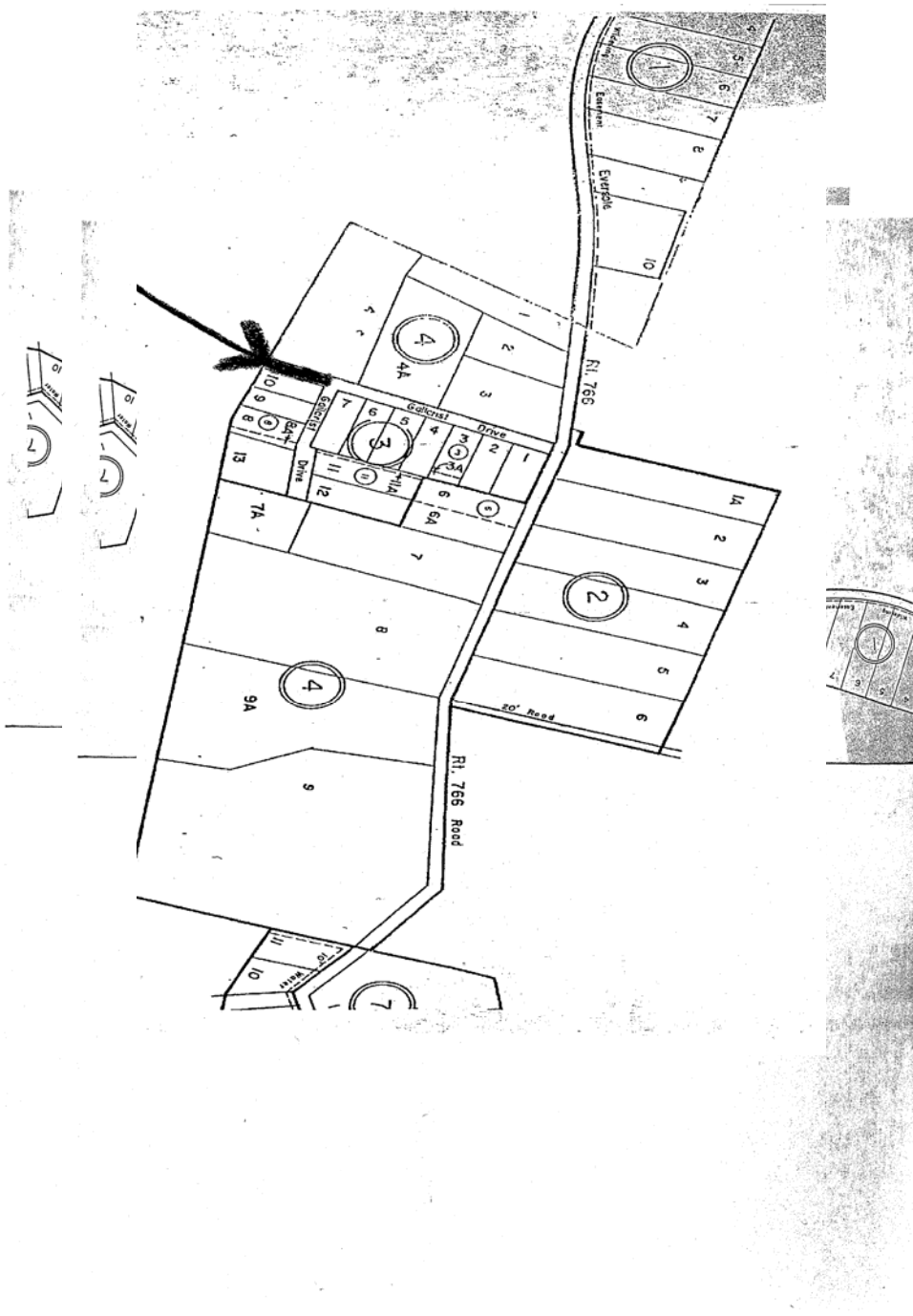
WHEREAS, notice of a public hearing on said application was given pursuant to Section 33.1-158 of the Code of Virginia, as amended; and

WHEREAS, a public hearing was held before the Board of Supervisors of Rockingham County, Virginia, on March 9, 2005, at which time there was no opposition to said application; and

WHEREAS, it is the opinion of the Board of Supervisors of Rockingham County, Virginia that no public necessity exists for the continuance of the hereafter stated undeveloped street, and therefore said application for said abandonment should be approved.

NOW, THEREFORE, BE IT ORDERED pursuant to Section 33.1-161 of the Code of Virginia that the undeveloped street lying at the end of Gailcrist Drive is hereby abandoned from the effect of the aforementioned plat.

Attached hereto for reference and made a part hereof and marked Exhibit "A" is a plat showing that undeveloped street which is hereby abandoned.



REPORT REGARDING DEQ PROPOSED REGULATIONS ON NUTRIENT LIMITS.

The Board heard a report by Mr. John Kennedy, Department of Environmental Quality, regarding his department's proposed regulations on nutrient limits.

Chairman Cuevas asked that a meeting be scheduled for DEQ officials, officials of the Shaeffer Company, and representatives of the Towns of Broadway and Timberville to discuss the treatment plant in that area.

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RECESS.

At 5:30 p.m., Chairman Cuevas declared the meeting recessed for dinner.

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PUBLIC HEARING ON AMENDMENT TO FY 2004-05 SCHOOL BUDGET.

At 7:00 p.m., Chairman Cuevas declared the meeting recessed for a public hearing on an amendment to the FY 2004-05 School Budget to approve expenditure of funds for the construction of a School Administration Building through June 30, 2005, and to approve the expenditure of grant funds received by the School Board that were not known during the FY 2004-05 budget adoption process.

There were no requests to speak and Chairman Cuevas closed the public hearing at 7:03 p.m.

Supervisor Kyger made the following statement:

1. TRANSACTION INVOLVED: Consideration and adoption of an amendment to the FY 2004-05 School Budget to approve expenditure of funds for the construction of a School Administration Building through June 30, 2005, and approval of the expenditure of grant funds received by the School Board that were not known during the FY 2004-05 budget adoption process.
2. NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.
3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in paragraph 1.
4. I am able to participate in the transactions fairly, objectively, and in the public interest.

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board amended the FY2004-2005 budget by the addition of the following revenues and expenditures, and appropriated said revenues and expenditures, as follows:

Revenues:

General Fund	
Fund Reserve	\$2,000,000
Capital Fund	
Transfer from General Fund	\$2,000,000
School Fund	
Miscellaneous Local Revenue	\$ 140,200
Revenue from the State	\$ 205,000
Revenue from the Federal Government	<u>\$ 578,816</u>
Total School Fund	<u>\$ 924,016</u>
Total	\$4,924,016

Expenditures:

General Fund	
Transfer to Capital Fund	\$2,000,000
Capital Fund	
School Administration Building	\$2,000,000

School Fund	
Instruction	\$ 783,816
Technology	<u>\$ 140,200</u>
Total School Fund	<u>\$ 924,016</u>
Total	\$4,924,016

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated March 4, 2005, including information concerning the Metropolitan Planning Organization (MPO), receipt of grant by the Commonwealth's Attorney's office to replace previous funding for a gun prosecutor that was to expire in March 2005, landfill matters, state funding of transportation, and a request from Dynamic Aviation for a separate classification of personal property for aircraft.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board agreed to request that the Central Shenandoah Planning District Commission submit an application through the Rural Transportation Planning Grant Program for a corridor study for the seven-mile stretch from the intersection of U.S. Route 33 East at Route 276 to U.S. Route 33 East at Route 692. The estimated cost of the study is \$44,100, and Rockingham County has consented to include \$22,100 in its budget for the coming fiscal year.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County to accept a grant of \$80,000 to fund a prosecutor in the Commonwealth's Attorney's office.

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COUNTY ATTORNEY'S STAFF REPORT.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board awarded two contracts on an emergency basis: one contract to Plecker Construction for the installation of water lines and one contract to Crom Corporation for the installation of a water tank in Rockingham County. The Board of Supervisors determined that the Route 11 South water line is experiencing unexpected pressure fluctuations which threaten to disrupt the supply of water to residences and businesses along Route 11 South, and that these fluctuations constitute an

emergency justifying the award of a contract on an emergency basis without competitive negotiation or competitive bidding.

Plecker Construction was selected to install the water lines because it currently is installing water lines for Rockingham County pursuant to another contract for which it was low bidder. Likewise, Crom Corporation was selected to provide a water tank because it currently is providing a water tank pursuant to a contract with the County for which it was the low bidder. Both companies have the ability to perform the contract requirements in a timely manner.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated March 4, 2005 including information on the Technology and Industrial Park (TIP) and on the Board's upcoming Work Session on March 28 and 29, 2005.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated March 3, 2005, including information concerning Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School waterline extension, Water/Sewer Specifications, McGaheysville WWTP, Grottoes Container Site, City of Harrisonburg Waste-to-Energy Plant, Phase III expansion of the landfill, and Electronics Recycling Day scheduled for April 30, 2005, at James Madison University Convocation Center.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated March 4, 2005, including information concerning Planning Commission activities, annual Comprehensive Plan review, McGaheysville Area Plan, priority projects, tabled requests, and upcoming requests.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated March 3, 2005, including information concerning projects and equipment.

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FIRE & RESCUE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated March 2, 2005, including information concerning training, meetings, prevention activities, public education, NIJ grant, and Homeland Security grant.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; in regard to the \$228,664.08 awarded to the County from the 2004 U.S. Department of Homeland Security Grant Program (which mandates that the County pass through to incorporated towns within its boundaries a minimum amount at least equal to the per capita amount for the town's total population from the grant award), the Board agreed to allocate 50 percent of the total amount (\$114,332.04) to those towns that have a police force. Therefore, each town will receive \$19,053.34 which may be used to purchase radio equipment for the new County/City local government radio system. As required by the grant, the Board stressed that these funds may only be used by the Towns to purchase communications equipment for the new radio system.

Supervisor Kyger advised of an issue that came up at a Fire Board meeting: a recent State Attorney General ruling to reduce funding to Rockingham County volunteer fire departments of about \$12 to \$14 thousand of distribution from the State Fire Fund. He noted that this information was made available at the end of the General Assembly session so that there was not time to seek a remedy through the State Legislature. There was a consensus of the Board to ask the County Administrator to contact Mr. Beamer, asking him to investigate a means to correct this matter at the Veto Session.

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RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated March 3, 2005, including information concerning the Plains District Community Center, the

District Courts renovation Project, Recreation programs, Kids Trout Fishing Day, and Grottoes Little League.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee and the Finance Committee, the Board approved the following supplemental appropriation in the amount of \$28,367, as requested by the Sheriff, such amount representing the cost of two vehicles to replace two vehicles totaled in December 2004, less the insurance proceeds received. These funds have not been budgeted and would be provided from the General Fund Reserve.

Supplemental Appropriation: \$28,367
GL Code: 001-03102-000-8005-000 (Vehicles)

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Buildings & Grounds Committee, the Board agreed to continue a lease with Otterbein United Methodist Church for lease of 93 parking spaces and to lease an additional 25 spaces from the Church.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board approved the following supplemental appropriation in the amount of \$10,000, as requested by the Director of Recreation and Facilities, such funds to be used, in addition to the budgeted funds of \$10,052, to help support the Grottoes Little League lighting project. The \$10,000 would be provided from the General Fund Reserve.

Supplemental Appropriation: \$10,000
GL Code: 001-07104-000-5699-000 (Other Contributions)

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board accepted a proposal from Hayes, Seay, Mattern & Mattern, Inc., No. 93483, in the amount of \$173,900, for semi-annual groundwater monitoring for 2005-06, and additionally, including installation and sampling on three new wells off-site to monitor groundwater quality downgradient from MW-9, contingency for minor well repairs, and additional verification sampling. Total costs over a two-year period are \$173,900, with the City of Harrisonburg paying 14.04% of these costs. Funds have been included in this year's and the proposed FY 05-06 budgets for this work.

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INFORMATION ITEMS.

The Board received the following information items from the County Administrator.

- a. Letter dated February 28, 2005, from Adelphia cable television company regarding its plans for adjustments to service and equipment prices.
- b. Notice from the City of Harrisonburg regarding public hearing on Cargill Turkey Products, LLC, request for special use permit for storage tower at 1 Kratzer Road in the County.
- c. Recreation Commission Minutes for meeting held on January 27, 2005.
- d. Rent/Lease Payments Report for January 2005.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 7:35 p.m.

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Chairman